

EAC responds to media enquiries on 2018 Legislative Council Kowloon West Geographical Constituency By-election

The following is issued on behalf of the Electoral Affairs Commission (EAC):

In response to media enquiries on the 2018 Legislative Council Kowloon West Geographical Constituency By-election, a spokesman for the EAC made the following statement today (October 13):

The EAC, an independent statutory body, supervises the conduct of the Legislative Council elections in accordance with the Electoral Affairs Commission Ordinance (Cap. 541). The EAC does not have any statutory power with regard to the decisions made by the Returning Officer in the nomination procedure.

For Legislative Council elections, details on the eligibility to be nominated as a candidate, disqualification from being nominated as a candidate and from being elected as a Member, and the requirements to be complied with by persons nominated as candidates are set out in sections 37, 39 and 40 of the Legislative Council Ordinance (Cap. 542) respectively.

The spokesman reiterates that whether a candidate's nomination is valid or not is determined by the Returning Officer according to the requirements under the law. All along, the EAC is not empowered nor involved in providing any opinion with regard to the decisions made by the Returning Officer. The EAC will, after receiving the list of validly nominated candidates, make practical arrangements for the elections.

In accordance with section 19 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), if the Returning Officer decides that a nomination is invalid, the Returning Officer must endorse on the nomination form his/ her decision and the reason(s) for it, which will be made available for public inspection in accordance with section 14 of the Regulation.

Anyone may make an election petition to question the result of an election if he/she is disqualified from being a candidate at an election in accordance with section 61 of the Legislative Council Ordinance. The EAC will, as in the past, ensure that the Legislative Council by-election is conducted in an open, honest and fair manner.